HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.1186 of 2006

Between

The Station House Officer, I Town Police Station, Vizianagaram and others ..Appellants

AND

Yelugula Shiva Prasada Rao and others ..Respondents

:: JUDGMENT ::

Counsel for the appellants :	Sri A.Satya Prasad, Special Government Pleader for the State
Counsel for respondents	Sri V.Raghunath

12.12.2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 25.7.2006 passed by the learned Single Judge in W.P.No.17224 of 2005, whereby he directed the non-petitioners (appellants herein) to pay cost of

Rs.25,000/- to the writ petitioner and also directed Superintendent of Police, Vijayanagaram to ensure continued, uninterrupted and an adequate level of security to the petitioner till the conclusion of trial of Criminal Case No.65 of 2003.

A perusal of the record of the appeal shows that after hearing learned counsel for the parties on 27.11.2006, the Division Bench made the following order:

> " This appeal is directed against order dated 25.07.2006 passed by the learned Single Judge in Writ Petition No.17224 of 2005 vide which he directed non-petitioner No.2 (appellant No.2) to provide security to the petitioner (respondent No.1 herein) till the conclusion of Criminal Case No.65 of 2003.
>
> We have heard learned Government Pleader for Home and perused the record.
>
> Keeping in view the seriousness of the issue arising in the appeal, we deem it proper to entertain the appeal for threadbare consideration of the matter.
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> Sri V. Raghunath, learned counsel accepts notice on behalf of the writ petitioner.
>
> Put up on December 12, 2006.
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> We are fixing this case on Tuesday knowing fully well that almost all the Benches sit as Single Benches on every Tuesday because we feel that the matter deserves threadbare consideration and it is high time that instructions are issued by the Court to the police apparatus to ensure that witnesses of crime are not subjected to harassment, threat and victimization by or at the instance of the accused persons."

Today, the learned Special Government Pleader invited our attention to the material papers filed by the State and submitted that a comprehensive law is proposed to be enacted for protection of the witnesses and, therefore, there is no necessity for adjudication of the issue raised in the appeal, which may be dismissed as withdrawn. He further gave out that the department will issue administrative instructions for providing protection to the witnesses, so that those committing crimes may not go scot-free only on the ground that the

witnesses turn hostile on account of threat, coercion or inducement by the accused and their supporters.

We appreciate the stand taken by the Government and hope and trust that comprehensive instructions will be issued by the department as a prelude to suitable legislation by the competent legislature for providing protection to the witnesses, which, in our opinion, will go a long way for effective implementation of the concept of fair trial.

With the above observations, the appeal is dismissed as withdrawn.

As a sequel to dismissal of the appeal as withdrawn, W.A.M.P.No.2469 of 2006 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

12.12.2006
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